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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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BOARD OF TRUSTEES OF THE PIPE
TRADES DISTRICT COUNCIL NO. 36
HEALTH AND WELFARE TRUST FUND;
BOARD OF TRUSTEES OF THE PIPE
TRADES DISTRICT COUNCIL NO. 36
PENSION TRUST FUND; BOARD OF
TRUSTEES OF THE PIPE TRADES
DISTRICT COUNCIL NO. 36 APPRENTICE
TRAINING TRUST FUND; BOARD OF
TRUSTEES OF THE CENTRAL
CALIFORNIA PIPE TRADES INDUSTRY
LABOR-MANAGEMENT COOPERATION
COMMITTEE TRUST FUND,

Plaintiffs,

v.

R T / D T INC, a California corporation, dba
THOMAS PLUMBING; ROBERT BRYON
THOMAS; DANTE MERLINDA THOMAS;
AMERICAN CONTRACTORS INDEMNITY
COMPANY; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 4:11-CV-04015-LB

**STIPULATION AND ORDER FOR
JUDGMENT AGAINST:**

- (1) R T / D T INC. DBA THOMAS
PLUMBING
- (2) ROBERT BYRON THOMAS; AND
- (3) DANTE MERLINDA THOMAS

Plaintiffs Board of Trustees of the Pipe Trades District Council No. 36 Health and
Welfare Trust Fund, Board of Trustees of the Pipe Trades District Council No. 36 Pension Trust
Fund, Board of Trustees of the Pipe Trades District Council No. 36 Apprentice Training Trust
Fund, and Board of Trustees of the Central California Pipe Trades Industry Labor-Management
Cooperation Committee Trust Fund (collectively, "Plaintiffs"), and defendants R T / D T Inc.
dba Thomas Plumbing, Robert Bryon Thomas and Dante Merlinda Thomas (collectively, "the

Thomases”) hereby stipulate, and request an order, as to the following:

1. Plaintiffs and the Thomases entered into a written “Settlement Agreement (Pipe Trades District Council No. 36 Trust Funds and R T / D T Inc. et al)” (the “Agreement”), pertaining to delinquent contributions arising from the Thomases’ work on certain construction projects.

2. Among other things, the Agreement called for the Thomases to: remit certain amounts, and provide certain information, within the times described therein; and pre-execute this Stipulation and Order so that Plaintiffs may file it in the event the Thomases fail to comply with their obligations under the Agreement.

3. The Thomases have breached their obligations under the Agreement. Plaintiffs and the Thomases hereby jointly request that the Court issue an order for judgment against the Thomases (R T / D T Inc. dba Thomas Plumbing, Robert Byron Thomas and Dante Merlinda Thomas), jointly and severally, in the amount of \$154,902.49 ^{HC 2012-05-31} (“Judgment Amount”).¹

4. Interest shall accrue on the Judgment Amount at the twelve percent (12%) per annum rate specified in the Master Labor Agreement executed by R T / D T. Plaintiffs shall further be entitled to recover all costs and attorneys’ fees incurred by them in enforcing this Judgment.

5. Within twenty (20) calendar days of the service of this Judgment upon them, the Thomases shall provide Plaintiffs with all financial, payroll and personnel records necessary (as determined by Plaintiffs) to conduct an audit of R T / D T’s contributions for the time periods at issue in this action. The Thomases are hereby placed on notice that failure to comply with this requirement shall constitute grounds for contempt of court. Plaintiffs may, at their sole and unfettered discretion, seek to amend this Judgment based upon the results of said audit.

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¹ The Judgment Amount inserted above includes the payments previously made by the Thomases, if any. Pursuant to the terms of the Agreement: Plaintiffs shall provide the Thomases and ACIC with notice of its intent to file the present Stipulation and Order, and a list of applicable credits, at least five (5) calendar days prior to doing so; and the Thomases hereby authorize Plaintiffs to insert, after their execution of this Stipulation and Order, the Total Amount still owed at the time of filing.

6. Plaintiffs shall be entitled to apply to the Court ex parte for any other writs or orders necessary to enforce this Stipulation and Order, or any other provision of the Agreement.

Dated: December 30, 2011.

MOSS, TUCKER, CHIU, HEBESHA & WARD
A Professional Corporation

By 

HENRY Y. CHIU
Attorney for Plaintiffs

Dated: December 30, 2011.

R T / D T INC. dba
THOMAS PLUMBING

By 

ROBERT BYRON THOMAS, President

Dated: December 30, 2011.

ROBERT BYRON THOMAS

By 

ROBERT BYRON THOMAS
In his individual capacity

Dated: December 30, 2011.

DANTE MERLINDA THOMAS

By 

DANTE MERLINDA THOMAS
In her individual capacity

ORDER

JUDGMENT IS HEREBY ENTERED AGAINST R T / D T INC. DBA THOMAS PLUMBING, ROBERT BYRON THOMAS AND DANTE MERLINDA THOMAS, JOINTLY AND SEVERALLY, FOR THE AMOUNT SPECIFIED ON THE PRECEDING PAGE.

IT IS SO ORDERED.

Dated: August 6, 2012


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA